

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION**

XAVIER DANIELS,

Plaintiff,

v.

WARDEN MARTY ALLEN, et al.,

Defendants.

CIVIL ACTION NO.: 6:17-cv-45

**ORDER**

This matter comes before the Court on the Magistrate Judge's January 2, 2020 Report and Recommendation, (doc. 54). The Magistrate Judge recommended the Court grant Defendants' Motions to Dismiss and dismiss Plaintiff's claims of deliberate indifference to safety in dormitory assignment and as to serious medical needs for failure to exhaust his administrative remedies. Plaintiff filed Objections to the Report and Recommendation, (doc. 55). Plaintiff's Objections, however, are not responsive to the Magistrate Judge's Report; Plaintiff merely reiterates his original allegations.

After an independent and de novo review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, (doc. 54). Accordingly, the Court **OVERRULES** Plaintiff's Objections and **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. The Court **GRANTS in part** Defendants' Motions to Dismiss, (docs. 16, 29, and 34), and **DISMISSES without prejudice** Plaintiff's deliberate indifference to safety in dormitory assignment and serious medical needs claims based on his failure to exhaust his administrative remedies. Defendants Allen, Hutcheson, and Bobbitt are

reminded they have twenty-one (21) days from entry of this Order to file an answer or pre-answer motion to dismiss as to Plaintiff's remaining failure to protect claim.

**SO ORDERED**, this 23rd day of January, 2020.



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R. STAN BAKER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA